

Gary L. Sirota (State Bar No. 136606)
Robert Berkowitz (State Bar No. 227888)
COAST LAW GROUP
169 Saxony Road, Suite 204
Encinitas, CA 92024
TEL: (760) 942-8505
FAX: (760) 942-8515
EMAIL: RBerkowitz@CoastLawGroup.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA**

FRACTIONAL VILLAS, INC., a California
Corporation,

Plaintiff,

v.

JASON KATZ, an individual; LENDING
EXECUTIVES, INC., a California corporation;
YOLANDA ORTIZ-PARRA, an individual;
RAYMOND VINOLE, an individual; DANIEL
CHARLES PRIVETT, an individual; and
DOES 1 - 25,

Defendants.

Case No. 08 CV 1317 DMS POR

**REQUEST TO ENTER DEFAULT
AGAINST DEFENDANT LENDING
EXECUTIVES, INC.**

To the Clerk of the Above-Entitled Court:

Plaintiff Fractional Villas, Inc. hereby requests that the Clerk of the above-entitled Court enter default in this matter against defendant Lending Executives, Inc. on the ground that said defendant has failed to appear or otherwise respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure. Plaintiff caused the complaint to be personally served

1 on defendant Lending Executives, Inc. on August 10, 2008, evidenced by the proof of service of
2 summons on file with this Court.

3
4 This Request to Enter is supported by the above stated facts as set forth in the accompanying
5 declaration of Robert Berkowitz, filed herewith.

6
7 Dated: September 8, 2008

COAST LAW GROUP, LLP

s/ Robert Berkowitz

Robert Berkowitz

Attorneys for Plaintiff,

FRACTIONAL VILLAS, INC.

RBerkowitz@coastlawgroup.com

Gary L. Sirota (State Bar No. 136606)
Robert Berkowitz (State Bar No. 227888)
COAST LAW GROUP
169 Saxony Road, Suite 204
Encinitas, CA 92024
TEL: (760) 942-8505
FAX: (760) 942-8515
EMAIL: RBerkowitz@CoastLawGroup.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA**

FRACTIONAL VILLAS, INC., a California
Corporation,

Plaintiff,

v.

JASON KATZ, an individual; LENDING
EXECUTIVES, INC., a California corporation;
YOLANDA ORTIZ-PARRA, an individual;
RAYMOND VINOLE, an individual; DANIEL
CHARLES PRIVETT, an individual; and
DOES 1 - 25,

Defendants.

Case No. 08 CV 1317 DMS POR

**DECLARATION OF ROBERT
BERKOWITZ IN SUPPORT OF
PLAINTIFF'S REQUEST TO ENTER
DEFAULT AGAINST DEFENDANT
LENDING EXECUTIVES, INC.**

1. I, Robert Berkowitz, am a Senior Associate at Coast Law Group, LLP, counsel of record for Plaintiff Fractional Villas, Inc. in this matter. I submit this declaration based upon my personal knowledge.
2. Our attorney service advised me that a copy of the complaint and summons was personally served upon defendant Lending Executives, Inc. on August 10, 2008.

- 1 3. The Proof of Service was filed with this Court on August 22, 2008.
- 2 4. On Friday, August 22, 2008, I received an email from Mr. Cameron Campbell, requesting an
3 extension of time to respond to the complaint.
4
- 5 5. In a prior conversation, Mr. Cameron Campbell had stated that he was not an attorney, but
6 instead was assisting his father in this matter. According to Mr. Cameron Campbell, his
7 father, Mr. Leon Campbell, is an attorney and the Law Office of Leon Campbell represents
8 all the defendants in this matter.
9
- 10 6. On Friday, August 22, 2008, I responded to Mr. Cameron Campbell's email request for an
11 extension of time. In the email, I explained to him that our client, Plaintiff Fractional Villas,
12 Inc., had not authorized us to grant extensions. We would consider requests for additional
13 time on a case-by-case basis after receiving the request in writing, signed by counsel,
14 explaining the extenuating circumstances that give rise to the request. A true and correct
15 copy of this email is attached hereto as Exhibit A and incorporated herein by reference.
16
- 17 7. On Monday, August 25, 2008, I advised Mr. Leon Campbell by facsimile that we would be
18 vigorously pursuing our claims and would be seeking Entry of Default at the earliest possible
19 opportunity. A true and correct copy of this fax is attached hereto as Exhibit B and
20 incorporated herein by reference.
21
- 22 8. On Wednesday, August 27, 2008, I responded to Mr. Leon Campbell's written request for an
23 extension of time to respond to the complaint. In my letter, which was also faxed to his office
24 the same day, I again stated "Please be advised that we will continue to vigorously pursue
25 our case and will continue to seek an Entry of Default as soon as the opportunity arises." A
26

1 true and correct copy of this letter is attached hereto as Exhibit C and incorporated herein by
2 reference.

3
4 9. To date, we have consistently explained to the Law Office of Leon Campbell that our client
5 has insisted—absent compelling extenuating circumstances—that we not extend any
6 courtesies to the defendants in light of the intentional injuries the defendants inflicted upon
7 the Plaintiff.

8
9 10. The time for Defendant Lending Executives, Inc. to respond to the complaint has passed, and
10 no pleadings have been filed with the Court.

11 11. I declare under the penalty of perjury that the foregoing is true and correct.

12
13 Dated: September 8, 2008

COAST LAW GROUP, LLP

14
15 s/ Robert Berkowitz
16 Robert Berkowitz
17 Attorneys for Plaintiff,
18 FRACTIONAL VILLAS, INC.
19 RBerkowitz@coastlawgroup.com
20
21
22
23
24
25
26

From: Rob Berkowitz
To: "caminhous@att.net";
Subject: RE: Fractional Villas v. Katz et al.
Date: Friday, August 22, 2008 12:23:00 PM

Hi Cameron,

Our client has not authorized us to grant any extensions. If there are extenuating circumstances, a request for an extension may be considered on a case-by-case basis, but the request must be in writing and signed personally by legal counsel.

Best regards,
Rob.

From: Cameron Campbell [mailto:caminhous@att.net]
Sent: Friday, August 22, 2008 11:16 AM
To: Rob Berkowitz
Subject: RE: Fractional Villas v. Katz et al.

Rob - Would you please grant an extension to reply to the complaint?

From: Rob Berkowitz [mailto:RBerkowitz@CoastLawGroup.com]
Sent: Friday, August 22, 2008 11:02 AM
To: caminhous@att.net
Subject: RE: Fractional Villas v. Katz et al.

Cameron,

Two things:

1. The clerk inadvertently stamped the wrong initials onto the complaint and requested that we advise all parties. Please note that the magistrate for these proceedings is Hon. Lousia S. Porter. Thus, the proper case number to use is 08 CV 1317 DMS POR.
2. The scope of infringement we have identified—so far—includes the table (also referred to as the "comparison chart").

Rob.

From: Cameron Campbell [mailto:caminhous@att.net]

Sent: Friday, August 22, 2008 10:12 AM

To: Rob Berkowitz

Subject: Fractional Villas v. Katz et al.

Rob-

The Law Office of Leon Campbell represents Jason Katz, Lending Executives Inc., Daniel Privett, Yolanda Ortiz-Parra, and Raymond Vinole. Please direct all service to: 7825 Fay Avenue, Suite 200, La Jolla, CA 92037. Thank you.

Cameron



169 Saxony Road
Suite 204
Encinitas, CA 92024

Tel 760-942-8505
Fax 760-942-8515
www.CoastLawGroup.com

August 25, 2008

Mr. Leon E. Campbell, Esq.
7825 Fay Avenue, Suite 200
La Jolla, California 92037

Via First Class Mail and
Facsimile to (858) 454-8636

Re: Entry of Default
Fractional Villas, Inc. v. Katz et al.

Dear Mr. Campbell:

As we stated in our email of Friday, August 22, 2008, a request for additional time to respond to the complaint must be received by us in writing, explaining the extenuating circumstances necessitating an extension, and signed personally by counsel for the Defendants. As of this writing, we have not received any further correspondence from your office regarding this matter.

Please be advised that we will be vigorously pursuing our case against your clients. In particular, we will be seeking an Entry of Default as soon as the opportunity arises against any of your clients who fail to file a timely response.

Very Truly Yours,
COAST LAW GROUP, LLP


Robert Berkowitz



169 Saxony Road
Suite 204
Encinitas, CA 92024

Tel 760-942-8505
Fax 760-942-8515
www.CoastLawGroup.com

August 27, 2008

Mr. Leon E. Campbell, Esq.
7825 Fay Avenue, Suite 200
La Jolla, California 92037

Via First Class Mail and
Facsimile to (858) 454-8636

Re: Request for Extension of Time Denied
Fractional Villas, Inc. v. Katz et al.

Dear Mr. Campbell:

As I stated previously, extensions will only be granted for extenuating circumstances. Your office's inability to competently advise the defendants on the prospects of settlement is not the sort of circumstance for which our client is willing to extend any courtesies. Thus, your request for an additional 30 days is denied.

In this regarding, it is important to note that your clients were served with the complaint weeks ago. Despite knowing that a responsive pleading was due, your clients have taken no affirmative steps toward engaging in settlement negotiations. Several weeks have passed since your clients were served and all we have heard is a request for more time. Keep in mind that your clients stole our client's intellectual property and represented it as their own. Such callous disregard for our client's rights, combined with an unexplained request for delay, is extremely counterproductive in the context of settlement. However, upon an affirmative showing of good faith toward prompt resolution of this matter—for example, tendering a *meaningful* settlement offer—we will reconsider our position regarding extensions. Until then, extending courtesies would be inappropriate. Please be advised that we will continue to vigorously pursue our case and will continue to seek an Entry of Default as soon as the opportunity arises.

We remain receptive to any meaningful settlement offers your clients tender. Additionally, settlement discussions would be facilitated if communication with your office was done through you directly, rather than through Mr. Cameron Campbell, who is no longer a licensed attorney.

Very Truly Yours,
COAST LAW GROUP, LLP

A handwritten signature in black ink, appearing to read "Robert Berkowitz", is written over the typed name.

Robert Berkowitz